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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

KYLE OSTERLUND,

Plaintiff,

vs.

CLACKAMAS COUNTY GLADSTONE,  
HEALTH AND WELLNESS CENTER,  
Defendant.

Case No.

**COMPLAINT FOR MEDICAL  
NEGLIGENCE**

**Jury Trial Demanded**

COMES NOW Plaintiff Kyle Osterlund,, by and through her undersigned attorney of record, and for his Complaint against Defendant, and alleges as follows:

**PARTIES**

1.

At all times mentioned herein, Plaintiff Kyle Osterlund was a resident of Oregon and a

patient at Clackamas County Gladstone Health and Wellness Center.

2.

At all times material, Defendant Clackamas County Gladstone Health and Wellness Center ("Gladstone") was medical clinic operated in Gladstone, Oregon as a Federally Supported Health Center pursuant to 41 U.S.C. 233(a) and (g)-(k).

### **JURISDICTION AND VENUE**

3.

This Court has jurisdiction pursuant to 28 U.S.C. Sec. 1331.

4.

Venue is proper in the District of Oregon pursuant to 28 U.S.C. Sec. 1391 because Defendant is located and operates within this judicial district of the District of Oregon.

### **GENERAL ALLEGATIONS**

5.

At all times mentioned, Kyle Osterlund was being treated by defendant, and its agent Dr. John M. Najera ("Najera"), for chronic back pain, bone cyst and joint pain in the shoulder region

6.

At all times mentioned, Najera, was responsible for managing and directing Mr. Osterlund's treatment and care as it related to his chronic back pain and joint pain in the shoulder region.

7.

At all times mentioned, the defendant was placed upon notice this claim in a timely manner.

8.

On numerous occasions between February 2011 and up until November 2013, Mr. Osterlund presented with chronic pain.

9.

At all times mentioned, Najera prescribed addictive opiates oxycodone as needed for pain which was unwarranted for Mr. Osterlund's diagnosis.

10.

At all times mentioned, prior to November 2013, defendant, through its agent Najera, continued to prescribe this addictive medication and increased the prescription to levels that were unnecessary and deviates from the standard of care for prescription of pain medication.

11.

At all times mentioned, plaintiff's visit records were reviewed by a second medical team member and were not modified to change the prescription of opiates.

#### FIRST CAUSE OF ACTION - MEDICAL NEGLIGENCE

12.

Plaintiff hereby reinstates and incorporates paragraphs 1 through 11 as if fully stated herein.

13.

Defendant was negligent in its treatment of Kyle Osterlund in one or more of the following particulars:

- 1) failing to prescribe the appropriate medication for his presenting issue;
- 2) failing to assess and explain the risks of opiate prescriptions
- 3) failing to adequately monitor plaintiff's medical charts during his time as a patient;
- 4) for prescribing excess medication;

14.

As a result of Defendants' negligence, Plaintiff suffered economic damages in the sum of \$50,000.00

15.

As a result of Defendants' negligence, Plaintiff suffered noneconomic damages in the sum of \$250,000.00.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. Noneconomic damages in the amount of \$50,000.00;
2. Economic damages in the amount of \$250,000.00 and
3. Plaintiff's costs and disbursements herein.

LAW OFFICE OF ANDREW E. TEITELMAN, P.C.

July 3, 2018  
Date

/s/ Andrew E. Teitelman  
Andrew E. Teitelman; OSB 075484/  
Attorney for Plaintiff  
Trial Attorneys: Andrew E. Teitelman; OSB 07548